

### **Amendments to the Claims**

This listing of claims replaces all previous listings of claims in this application.

Claims 1-5. (canceled)

Claim 6. (currently amended) An additive for a food or a food supplement comprising partially or fully defatted cocoa solids pretreated by mixing with about 9% to about 90% by weight, based on the cocoa solids, of sterol ester(s) and/or stanol ester(s) which are liquids at temperatures of about 80°C or less, wherein the cocoa solids after pretreatment have a cocoa procyanidin content of at least about ~~4.5~~ 50 to about 75 milligrams per gram of defatted cocoa solids.

Claim 7. (currently amended) An additive for a food or a food supplement comprising partially or fully defatted cocoa solids pretreated by mixing with about 0.05% to about 5% by weight, based on the cocoa solids, of a lecithin, wherein the cocoa solids ~~prior to~~ after pretreatment have a cocoa procyanidin content of ~~at least about 5~~ about 50 to about 75 milligrams per gram of defatted cocoa solids.

Claim 8. (currently amended) A process for preparing a binder syrup for a food or a food supplement comprises the step of mixing at about 20°C to 160°C (i) a syrup which is an aqueous solution of a nutritive carbohydrate sweetener, a sugar substitute, or a combination of the sweetener and the sugar substitute and (ii) partially or fully defatted cocoa solids pretreated by mixing with about 9% to about 90% by weight, based on the cocoa solids, of sterol ester(s) and/or stanol ester(s) which are liquids at temperatures of about 80°C or less, wherein the cocoa solids ~~in the binder~~ after the pretreatment have a cocoa procyanidin content of at least about ~~4.5~~ 50 to 75 milligrams per gram of defatted cocoa solids.

Claim 9. (previously presented) A binder syrup prepared by the process of Claim 8.

Claim 10. (currently amended) A binder syrup comprising a mixture of (i) a syrup which is an aqueous solution of a nutritive carbohydrate sweetener, a sugar substitute, or a combination of the sweetener and the sugar substitute and (ii) cocoa solids pretreated with about 9% to about 90% by weight of sterol ester(s) and/or stanol ester(s) ~~and optionally with up to about 5% by weight of a lecithin and/or up to about 20% by weight of a chocolate liquor;~~ or wherein the binder syrup is liquid at about 40°C to about 80°C and solid at room temperature[[.]] and wherein the weights being are based on the cocoa solids.

11-26 (canceled)

27. (currently amended) A binder syrup comprising a mixture of (i) ~~a syrup an~~ aqueous solution of a nutritive carbohydrate sweetener, a sugar substitute, or a combination of the sweetener and the sugar substitute and (ii) cocoa solids pretreated with about 9% to about 90% by weight of sterol ester(s) and/or stanol ester(s) and ~~with up to about 5% by weight of a lecithin and/or up to about 20% by weight of a chocolate liquor;~~ with about 0.5% to about 5% of a lecithin, with about 0.5% to about 20% of a chocolate liquor, or with a mixture of the lecithin and the chocolate liquor; wherein the binder syrup is liquid at about 40°C to about 80°C and solid at room temperature[[.]] and wherein the weights being are based on the cocoa solids.

28-44 (canceled)

45. (new) The additive of Claim 6, wherein the cocoa procyanidin content is about 60 to about 75 milligrams per gram of defatted cocoa solids.

46. (new) The additive of Claim 6, wherein the cocoa procyanidin content is about 75 to about 80 milligrams per gram of defatted cocoa solids.

47. (new) The process of Claim 8, wherein the cocoa procyanidin content is about 60 to about 75 milligrams per gram of defatted cocoa solids.

48. (new) The additive of Claim 8, wherein the cocoa procyanidin content is about 75 to about 80 milligrams per gram of defatted cocoa solids.

49. (new) The process of Claim 8, wherein the nutritive carbohydrate sweetener comprises corn syrup or a blend of corn syrup and another sweetener.

50. (new) The process of Claim 49, wherein the other sweetener is sucrose, dextrose, fructose, lactose, maltose, glucose syrup, invert sugar, hydrolyzed lactose, honey, maple sugar, brown sugar, or molasses.

51. (new) The process of Claim 8, wherein sugar substitute is a high potency sweetener, a sugar alcohol, or a bulking agent.

52. (new) The process of Claim 51, wherein the high potency sweetener is aspartame, a cyclamate, saccharin, acesulfame, neo-hesperidin dihydrochalcone, sucralose, alitame, a stevia, glycyrrhizin, and/or thaumatin; wherein the sugar alcohol is sorbitol, mannitol, xylitol, maltitol, isomalt, lactitol; and wherein the bulking agent is polydextrose, cellulose, or its derivatives, malodextrin, or gum arabic.

53. (new) The binder syrup of Claim 27, wherein the lecithin is about 0.05% to about 1% and wherein the chocolate liquor is about 0.05% to about 10%.

54. (new) The binder syrup of Claim 27, wherein the lecithin is about 0.25% to about 1% and wherein the chocolate liquor is about 0.05% to about 3%.

55. (new) The binder syrup of Claim 27, wherein the lecithin is derived from a vegetable oil selected from the group consisting of soybean, cottonseed, corn, safflower, and rapeseed oil.

56. (new) The binder syrup of Claim 55, wherein the lecithin is soy lecithin.

57. (new) The binder syrup of Claim 10 or Claim 27, wherein the syrup is about 50% to about 85% and wherein the pretreated cocoa solids are about 15% to about 50%, the percentages being by weight and totaling 100%.

58. (new) The binder syrup of Claim 10 or Claim 27, wherein the syrup is about 60% to about 80% and the pretreated cocoa solids are about 20% to about 40%, the percentages being by weight and totaling 100%.

59. (new) The binder syrup of Claim 10 or Claim 27, wherein the syrup is about 65% to about 80% and the pretreated cocoa solids are about 20% to about 35%, the percentages being by weight and totaling 100%.

60. (new) The binder syrup of Claim 10 or Claim 27, wherein the syrup is about 70% to about 75% and the pretreated cocoa solids are about 25% to about 30%, the percentages being by weight and totaling 100%.

61. (new) The binder syrup of Claim 10 or Claim 27, further comprising up to 15% of vitamins, minerals, or mixtures thereof, up to 1% of a flavorant, and up to 3% of a salt, the weights being based on the cocoa solids.